

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOSEPH CANTRELL

Case No. 3:23-cv-00174-MMD-CLB

v

Petitioner.

ORDER

WASHOE COUNTY SHERIFF DETENTION FACILITY,

Respondent.

Following initial review of the Petitioner's habeas petition (ECF No. 20) under the Indian Civil Rights Act, 25 U.S.C. § 1303,¹ the Court finds that the petition states at least one cognizable claim for relief. See 25 U.S.C. § 1302. Thus, the Respondent will be directed to respond to the petition.

16 It is therefore ordered that the Clerk of Court will serve a copy of the habeas petition
17 (ECF No. 20) and this order upon Respondent by having the United States Marshal
18 promptly serve both documents on Darin Balaam, Washoe County Sheriff, under Rule
19 4(j)(2) of the Federal Rules of Civil Procedure. The Clerk of Court will also provide the
20 U.S. Marshal a USM-285 form directing service at the Washoe County Sheriff's Office,
21 911 Parr Blvd., Reno, NV 89512.

22 It is further ordered that Respondent must file and serve an answer or other
23 response to the petition (ECF No. 20) within 20 days of the date of service, unless for
24 good cause additional time is allowed.

25 ¹Petitioner is challenging a conviction and sentence entered in the Pyramid Lake
26 Tribal Court. While Petitioner filed this action using the Court's form for a habeas petition
27 under 28 U.S.C. § 2241, the Court construes the pleading as a petition under 25 U.S.C.
§ 1303, which extends habeas corpus relief to persons challenging "detention by order of
an Indian tribe."

It is further ordered that the Clerk of Court send, by U.S. Mail, a copy of the habeas petition (ECF No. 20) and this order to the Pyramid Lake Tribal Prosecutor, P.O. Box 256, Nixon, Nevada 89424.

DATED THIS 5th Day of September 2023.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE